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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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John Albert Kembel

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INNOVATION MANAGEMENT SCIENCES

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EXAMINER

NGUYEN, CHAU T

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. Response to Election/Restriction, filed on 04/11/2006, has been entered. Claims 32 and 35-43 are selected by Jonathan Small (Applicant's representative) via a phone interview on June 15, 2006.

### ***Election/Restrictions***

2. Applicant's election of claims 32 and 35-43 in group-I with traverse in the reply filed on 04/11/2004 and the phone interview on June 15, 2006 is acknowledged. The traversal is on the ground(s) that the subject matter of all claims 32, 35-43 in group I and claims 44-47 in group II is sufficiently related that the claims of both groups are directed to "retrieving and transmitting information", each properly falling within the same class and subclass. This is not found persuasive because of the fact that the groups I and II may include "retrieving and transmitting information" cannot preclude a requirement for restriction if their appearances are considered patentably distinct, since patentably distinct embodiments cannot be supported by a single formal design claim. In this case, there are two patentably distinct groups of claims, one is drawn to retrieving and transmitting information including instructions and definition that define a functionality and an appearance of a user interface and the other is drawn to storing addresses for content in the data store, which are specifically classified in two different

subclasses 715/744 and 715/530, respectively. Thus, the requirement for restriction is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32 and 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dasan, US Patent No. 5,761,662 and further in view of Furst, US Patent No. 6,297,819.

5. As to independent claims 32 and 39, Dasan discloses a method of providing content to a user, comprising:

receiving a request for the content (Fig. 6 and col. 6, lines 20-37: user can enter a user name in field 602 and then click on either icons 604, 606 or 610 to request for content for the specific user name);

in response to the request, retrieving information usable by a computing device to present data that is programmed in a format readable by a Web browser program (Figs. 6&10, col. 3, line 35 – col. 4, line 7, col. 6, lines 38-52 and col. 7, lines 42-60: in

response to the user selection icon 604 in Figure 6, retrieving a user interface for editing a user profile is displayed on screen 1000, and the user interface for editing is supported by a browser); wherein the information includes instructions for invoking a computing device resident process executable and a definition that defines at least in part a functionality and an appearance of a user interface (col. 7, lines 42-60 and Fig. 10) and

transmitting the information (col. 7, lines 42-60).

However, Dasan does not explicitly disclose the format readable a Web browser program outside of a window of a Web browser program, the computing device resident process executable independent of a Web browser and the user interface outside of a window of a Web browser program and within which the results of the computing device resident process are presented. Furst discloses that as is well known, the web browser operates to display in response to user input, web pages in one or more windows (the format readable a Web browser program outside of a window of a Web browser program) (col. 4, lines 22-38). Furst also discloses in col. 4, line 57 – col. 5, line 11 that when the users request the web browser, the client 124 is initiated, the client 124 is a thin shell for an embedded web browser, whose function is to display web pages sent by the System, the System and its component tools operate to create web pages that parallel or shadow actual web pages, which exist outside and independent of the System and its tool. In addition, Furst discloses that the System appears to travel with the users as the user browses the web, and this enables the user to find at every web site additional functionality that is independent of the web site (col. 2, line 55 – col. 3,

line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Furst and Dasan to include the format readable a Web browser program outside of a window of a Web browser program, the computing device resident process executable independent of a Web browser and the user interface outside of a window of a Web browser program and within which the results of the computing device resident process are presented. Since Furst discloses that the System appears to travel with the users as the user browses the web, and this enables the user to find at every web site additional functionality that is independent of the web site, thus the System enables users to communicate with other web site visitors in a context directly relevant to whatever site the user is visiting or the user can have access to information and services related to, but independent of the control of the web site the user is visiting.

6. As to dependent claims 35 and 40, Dasan and Furst (Dasan-Furst) disclose wherein at least a portion of the user interface is a frame within which the results of the computing device resident process are presented (Furst, col. 11, lines 55-64: when the component tool (frame) is activated from the icon bar in a context that includes a fill-in-web-based form, the tool autofills form with the information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Furst and Dasan to include at least a portion of the user interface is a frame within which the results of the computing device resident process are presented

since the component tool operates to create web pages that parallel or shadow actual web pages which exist outside and independent of the component tool).

7. As to dependent claims 36 and 41, Dasan-Furst disclose wherein at least a portion of the definition fully describes a functionality and an appearance of a frame within which the results of the computing device resident process are presented (Dasan, col. 7, lines 43-60; Furst, col. 2, line 65 – col. 3, line 6, and col. 9, line 9 – col. 12, line 65: each application tool has certain appearance shown by its tool user interface window which is defined by a web page or a wide variety of forms. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Furst and Dasan to include at least a portion of the definition fully describes a functionality and an appearance of a frame within which the results of the computing device resident process are presented. Furst suggests that the component tool can be customized for each user, so users can choose to select and enable only the component tools they find useful).

8. As to dependent claims 37 and 42, Dasan-Furst disclose wherein the definition is provided by a Web content provider, thereby enabling the Web content provider to control at least in part a functionality and an appearance of the frame when rendered (Dasan, col. 6, lines 11-19 and col. 6, line 61 – col. 7, line 41).

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9. As to dependent claim 38, Dasan-Furst disclose wherein the computing device resident process is provided by the Web content provider (Dasan, col. 6, line 11 – col. 7, line 41).

10. As to dependent claim 43, Dasan-Furst disclose wherein the computing device resident process, content data, and the definition are provided by the Web content provider, thereby enabling the user interface to integrate seamlessly with the results of the computing device resident process and content data (Dasan, col. 6, line 11 – col. 7, line 41).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 32 and 35-43 have been considered but are moot in view of the new ground(s) of rejection using the Furst reference.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen  
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Art Unit 2176

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